



PALM BEACH COUNTY BAR ASSOCIATION

BULLE^TIN

www.palmbeachbar.org

November 2009



Holiday Party and Silent Auction

Join us for our annual Holiday Party & Silent Auction on Thursday, December 10 at Frenchman's Reserve Country Club in Palm Beach Gardens. As we have done in the past, we will be conducting a silent auction with all of the proceeds going to underwrite gifts for underprivileged children for the holidays. We are looking for items to include in that silent auction, so If you or one of your clients has an item that you can donate, please contact Lynne Poirier at the Bar Office at 687-2800 or lpoirier@palmbeachbar.org.

The cost is just \$30 and includes drinks, heavy hors d'oeuvres plus a chance to shop for some great holiday gifts at bargain prices! Please register on line at www.palmbeachbar.org.

Mark your calendar for upcoming Membership Meetings

Tri-County Appellate Law Seminar
December 4, 11:30 – 5:30 p.m.
Boca Raton Marriott

Annual Holiday Party & Silent Auction
December 10, 5:30 – 7:00 p.m.
Frenchman's Reserve,
Palm Beach Gardens

Inaugural Lawyer Variety Show
January 9, 6:00 p.m.
PBCC Eissey Theatre
Palm Beach Gardens

Bench Bar Conference
February 19, 2010
Palm Beach County Convention Center

Joint Luncheon with South County Bar Association
March 16, 11:45 – 1:00 p.m.
Guest Speaker: FL Bar President Jesse Diner and FL Bar Foundation President Adele Stone
Boca Raton Marriott

Annual Judicial Reception
May 5, 5:30 – 7:00 p.m.
The Harriett at City Place

Law Day Luncheon
May 7, 11:45 – 1:00 p.m.

Annual Installation Banquet
June 12, 7:00 p.m.
The Breakers Hotel, Palm Beach



The Bar's spelling bee champs, Lesley Hogan, Richard Schuler and Bob Bertisch, recently competed in the Literacy Coalition's Great Grown-up Spelling Bee. Thanks for a fine team effort!

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THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

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The mission of the Palm Beach County Bar Association is to serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system.

LETTERS TO THE EDITOR

The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.



Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1601 Belvedere Road, #302E
West Palm Beach, FL 33406



Did you buy your tickets?

Don't miss an unforgettable evening of music, dancing and visual arts presented by fellow Bar members.

Lawyer Variety Show
Saturday, January 9, 2010
The Eissey Campus Theatre,
Palm Beach Gardens
6:00 p.m. Cocktail Reception
7:15 p.m. Show
Reserved Seating

Tickets are just \$35 a piece can be purchased on line at www.palmbeachbar.org.

Our performance lineup includes the following lawyers showing off their various talents: Brian Denney, Tom Grusek, Jeremy Slusher, Kathryn Lewis, Iola Mosley, Mark Pachman, Charlie Pickett, Lee Rosenthal, Siobhan Shea, Darren Shull, Skip Smith, Carl Spagnuolo, Grey Tesh, Patti Velasequez, Al Johnson and John Whittles.



**THE PALM BEACH COUNTY BAR ASSOCIATION'S FAMILY LAW
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AND HAVE LUNCH ON US!

COST: \$150/Members; \$190/Non-members (add \$10 if registered after 9/15/09)
FOR 6 1-HOUR LUNCH MEETINGS

Date	Topic	Speaker	Location
November 17, 2009 <i>Lunch Sponsored By: Rutherford Mulhall, P.A.</i>	Professionalism	Roundtable Judicial Panel	Main Courthouse North End of Cafeteria
January 15, 2010	Charging Liens, Retaining Liens and Collecting Fees in a Difficult Economic Climate	Erskine Rogers, Esq., Rutherford Mulhall, P.A.; Michael Koenig, Jr., Adorno & Yoss, P.A.	Palm Beach County Bar Offices
March 24, 2010 <i>Lunch Sponsored By: Sasser, Cestero & Sasser, P.A. and Complete Legal Investigations</i>	Presenting a Temporary Relief Case	Roundtable Judicial Panel	Main Courthouse North End of Cafeteria
April 14, 2010 <i>Lunch Sponsored By: Complete Legal Investigations</i>	Client Intake and Consultation... Getting the Best Client	Jeffrey A. Weissman, Esq., Gladstone & Weissman	Palm Beach County Bar Offices

President's Message



It's Not Just Talk

By Michelle R. Suskauer, President

How do you begin an awkward conversation? How do you bring up topics that are difficult to discuss and make some feel uncomfortable? Just start talking.

On September 24, the date of the PBCBA's Inaugural Diversity Summit chaired by John Howe, Adam Rabin and Jessica Callow, we started talking. And who better to break the ice than Peggy Quince, Chief Justice of the Florida Supreme Court. To a ballroom filled with over 240 hiring partners, associates, government attorneys and judges, the conversation began.

The Chief Justice was joined by stellar panelists for a town hall forum. We heard from Florida Supreme Court Justices Barbara Pariente and Jorge Labarga, former Justice Harry Antstead,

retired Judge Edward Rodgers, and 15th Circuit Chief Judge Peter Blanc. County Attorney Denise Neiman, South Florida Water Management District General Counsel Sheryl Wood and State Attorney Michael McAuliffe were our government agency panelists. In addition, we had attorneys Howard Bregman, John Kozyak, Grasford Smith, Caren Williams, Manuel Farach and Robin Bresky. Summit Co-Chair John Howe shared a PowerPoint presentation, giving us hard facts and figures on diversity both locally and statewide. We learned about conversations from the past that tried to spur some diversity in local law firms and they spoke of significant problems in our present. There was a call to firms to take a look at themselves and their hiring practices — to hear those hard questions, as to why many major law firms in our county have no racial diversity and

whether firms make any efforts to recruit minority applicants.

Roundtable discussions followed where lawyers and judges discussed their own experiences in small groups. The room was filled with different perspectives and diverse viewpoints.

It was a successful beginning, but what comes next? What do we do to keep the conversation going? How do we actually change things in our community? It is up to us to continue this dialogue. Your Bar Association has a continued commitment to diversity in our legal community. We will be helping by producing a video promoting the legal community in Palm Beach County. We will be following up with the many law firms who attended the summit, and visiting law schools to see how their graduates are recruited from Palm Beach County firms, if at all. You will learn more about our efforts in future issues of the Bulletin from our Diversity Task Force Chairmen John Howe and Adam Rabin. Keep talking..... (see pictures from this event on page 10)



**In support of the Supreme Court's Task Force
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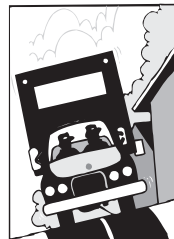
6th Minority Mentoring



for all minority law school students
from all law schools in Florida

Saturday, November 14, 2009
12 - 4 p.m.
Corporate Pavilion at Amelia Earhart Park
401 East 65th Street, Hialeah

RSVP:
www.ktlaw.com/picnic



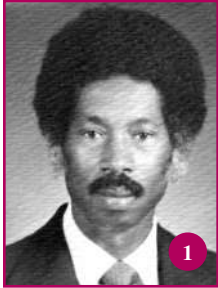
Have you recently moved?

Be sure to send your updated address, phone and email info to sspence@palmbeachbar.org

Historical Committee

Who are they?

Can you guess who these members are? Answers can be found on page 14. If you have old pictures of yourself or other members that you'd like featured, please send them to Patience Burns at the Bar Office.



Board of Directors Meeting Attendance

	June	Aug	Sept
	Retreat		
Bowden	x	x	x
Guari	x	x	x
Howe	x	x	x
Jenks	x	x	x
Kypreos	x	x	x
Martinez	x	x	x
Napoleone	x	x	x
Pressly	x	x	x
Rabin	x	x	x
Schuler	x	x	x
Suskauer	x	x	x
Weiss	x	x	phone
Whittles	x	x	x

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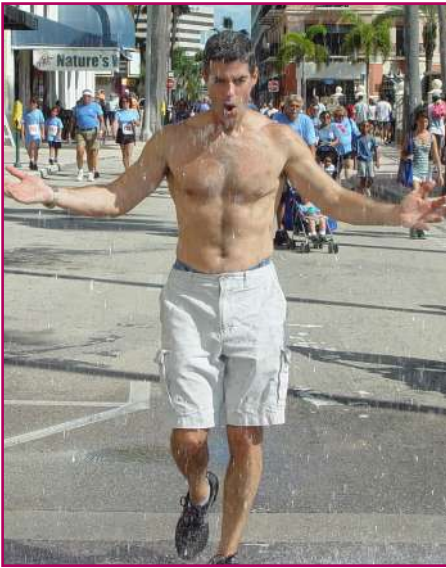
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Lawyers Have Heart 5k Run a Great Success!



As Chairman of the inaugural Lawyers Have Heart 5K Run, I want to take this opportunity to express my gratitude to the more than 400 lawyers, and their staff and families who participated in the Run on Saturday Sept. 26 and made it such a huge success. Significant sums were raised for the American Heart Association (a truly worthy cause!), while at the same time giving a much-needed public relations boost to the overall legal community and introducing many overworked, sedentary lawyers to the benefits of getting, and staying, physically active.

A special shout out goes to the Run's three top finishing men and women:

Men:

First Place - Matt Trigg, 17:54

Second Place - John Farina

Third Place - Gary Walk

Women:

First Place - Linda Miller - 20:37

Second Place - Beth Thorp

Third Place - Kathleen Van Wieringen



Rutherford Mulhall Team

By Al LaSorte, Shutts & Bowen partner and Lawyers Have Heart Chairperson

Finally, we could not have pulled this off without the dedication and hard work of PBC Executive Director Patience Burns, PBC Bar president Michelle Suskauer, the entire PBC Bar staff, John Jorgensen and

our favorite personal trainer, Michelle Kramer, who took two PBC Bar members, Mike Kranz and Julie Jennison and whipped them into shape on an amazing sixteen week journey from couch potatoes to physically fit, competitive runners.

Our theme for next year is "Bigger and Better" as we plan to build on this year's success. Stay tuned for new



(L-R) Julie Jennison, Mike Kranz, and Michelle Kramer

developments next year as we open the event up to the general public, introduce timer chips to time every runner, age and gender classifications for awards purposes, plus a few more surprises that you will just have to wait to hear about.

But most of all, keep running! We'll see you next year!



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- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)
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The Palm Beach County Bar Association's
Solo and Small Firm Practitioner's Committee Presents
NETWORKING & LEARNING LUNCHEON SERIES

For attorneys in firms with five or fewer lawyers and no more than 3 of whom work in the same practice area.

SOLO LUNCH SERIES

- **Friday, December 4**
Managing Stress In Your Practice



- **Wednesday, January 13, 2010**
Law Office Accounting

- **Wednesday, March 3**
TBA

- **Thursday, April 15**
Internet Marketing: Beyond the Basics
Presented by FindLaw

- **Thursday, May 20**
Marketing: TV, Radio & Print
What works & what doesn't

Lunches are held from 11:45 a.m. to 1:00 p.m.
at the Bar Office. The cost is \$10.00 per lunch
and includes CLE credit from The Florida Bar.

RSVP ON LINE @www.palmbeachbar.org

Judicial Profile of Judge Amy Smith

*By David Greene on behalf of the
Judicial Relations Committee*

You probably already know a little bit about Judge Amy Smith. For instance, you may know that she has been a Circuit Court Judge since 2005; that she practiced insurance defense law for 15 years with Walton Lantaff Schroeder & Carson LLP; and that she began her legal career as a Palm Beach County Assistant State Attorney. You might even know that Judge Smith received her undergraduate degree in English, with a minor in Journalism, from Mercer University; that she attended graduate school for Secondary Education from the University of Florida; and that she received her J.D. from Nova Southeastern Law School. Here's an opportunity to learn some things about Judge Smith that you probably never knew.

Judge Smith was born in North Florida. However, as a "navy brat", her family promptly moved to Washington where they were stationed before moving to Japan. She enjoyed life on the base in Japan, where there was a sense of equality that did not yet exist in the civilian world. Her father's navy career also took Judge Smith to San Francisco and Cocoa Beach. After he left the navy, Judge Smith's family moved to Palm Beach County, where her father and his brother operated Billy Smith Wheel Alignment and Brakes, which still operates today as one of downtown's oldest businesses.

Her first job after college was as an English teacher at Forest Hill High School, where she worked for 5 years. After obtaining her law degree, she worked as an Assistant State Attorney, where she had the opportunity to work many lawyers who are now judges. Even then, she knew that she wanted to serve as a judge some day. Today, she gets to work with some of the very same people who worked at the State Attorney's Office and the Public Defender's Office when she was an Assistant State Attorney.

Judge Smith was involved in skydiving for about ten years. In fact, she met her husband Patrick, who was an instructor, when she was learning to "jump". She was on a national skydiving team and even jumped into the Florida Bar Convention in Orlando with Judge Rob Carney. These days, as her picture shows, she enjoys paragliding off mountains and cliffs.



In her free time, Judge Smith enjoys reading, scuba diving, white water rafting, horseback riding and kayaking. She also loves to travel. She has recently visited Thailand, Vietnam, the Far East, and has even gone bear-watching in the Alaska wilderness. She's hoping to take a trip to Polynesia and Tahiti in the future. A current neck injury has slowed her pace but she plans to resume her active lifestyle very soon.

Interestingly, Judge Smith is a foster parent ... for Yorkies. She is involved with United Yorkie Rescue, Inc. and has fostered as many as two Yorkies at a time. This is in addition to Precious and Velcro, the two of her own. She would love to see the end of puppy mills and irresponsible breeding of dogs.

Judge Smith has also served the local and state bars. She served as President of the Palm Beach County Bar Association. She also served as a member of The Florida Bar Board of Governors.

Judge Smith loves her job and described her transition to the bench as "heavenly". She enjoys the constant interaction with people. While she has rotated divisions every two years, having experienced the circuit civil and family divisions, she plans to spend longer in the criminal division where she finds that everyone is friendly and gets along she believes because money is not involved. Her only frustrations are budgeting issues, such as concerns that valuable and worthwhile programs and job positions have been cut. In the end, one can see that Judge Smith truly loves being a Judge and serving the public.



Newly appointed 4th DCA Judge Spencer Levine takes the oath of office from Judge Martha Warner as his wife, Judith looks on.

Support National Adoption Day

It's not often you see smiles in a courthouse, but on Friday, November 20, the Palm Beach County Courthouse will be filled with nothing but happy people!

This year, children who are in dependency care who have been the victims of child abuse are expected to take part in National Adoption Day and we need your help. The Bar, along with the 15th Judicial Circuit, local agencies and volunteers, are planning a memorable day for the families. Please help us by making a financial donation for food, games and gifts.

Please make your check payable to the Palm Beach County Bar Association and mail it to: Attention Lynne Poirier, PBCBA, 1601 Belvedere Road, Suite 302E, West Palm Beach, 33401 no later than November 5.

Thank you!

Terminal One-Upmanship and Other Phenomena of the Lawyering Life

by D. Culver “Skip” Smith III On behalf of the Professionalism Committee



one-up•man•ship (wūn-ŭp'mən-shīp) also one-ups•man•ship (-ŭps-)

n. *Informal* The art of outdoing or showing up a rival or competitor.

— *The American Heritage Dictionary of the English Language* 1230 (4th ed. 2000)

As though increasing aches and decreasing memory were not evidence enough, being appointed chairperson of a “historical committee,” being labeled a “legend” by a “young lawyers” group, and being introduced as “a dean of the bar” by current bar leaders – although indeed nice – serve as exclamation points to lost youth. (At least no one has favored your author with a “lifetime achievement” award, which implies that the recipient not only has run the course well but also has run the course.) Another sign of increasing age is diminishing patience. Herewith some curmudgeonly snippets of impatience with some practices seen today:

1. *Death by e-mail.* E-mail is both a marvel of modern convenience and the bane of our existence. It is quick. It is easy. It also is unceasing. It is eminently subject to misinterpretation and overuse. It is an exquisite facilitator of cowardly opportunities to demonstrate one’s superior cleverness – cowardly, because we say things in e-mails that we would never say to the recipient in person—or even on the phone. Think of the hours squandered (or unjustifiably billed) in the exercise of electronic one-upmanship. During such an exercise in which your author was engaged a few years ago, the other lawyer (a woman and, thus, more insightful) unleashed the following message: “You are just like my teenage daughter – you always have to have the last word.” It was right-on perfect. It also was the end of the exchange (other than, of course, my last word – acknowledging her rightness). There are two e-mail functions that should be labeled “Caution – Hot Surfaces”: *Send* and *Reply to All*. As we tell our children before crossing the street: stop, look, and listen. In short: Avoid childish behavior; pause when agitated; embrace restraint of tongue and pen. You will be glad you did. Sarcasm is but the last refuge of the unimaginative. Self-restraint is a symptom of maturity.

And remember: every e-mail message that you send may become an exhibit – and not in the context that you envisioned.

2. *It’s called “discovery,” not “dissemblance.”* You receive the interrogatories and a request to produce documents. Oh, woe – the annoying inconvenience of having to do what you signed up to do. What is the first task that occurs to you? Right – what objections can we assert? Wait a minute! Is that not backwards? Why not first try to comply? Discovery is not intended to be an academic exercise in evidence or procedure. Sure, valid objections sometime exist, but the point is not to display one’s academic brilliance or strategic cleverness. It is to respond *as requested* except when (a) a *legitimate* strategic consideration (b) *justifies* asserting (c) a *valid* objection. We lawyers are charged with expediting litigation, not impeding its progress at every turn by fighting tooth and nail against the disclosure of as many facts and pieces of paper as possible – an exercise, by the way, that usually accomplishes nothing more than increasing the cost to the client.

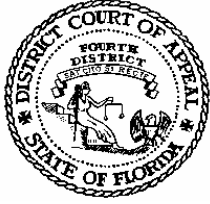
3. *Is it a pleading or a novel?* A puzzling practice seemingly in vogue these days is the Pulitzer Prize Complaint. You know – a complaint authored by a lawyer who fancies himself to be John Grisham. The first several paragraphs comprise a sordid exposition of the defendant’s dastardly deeds, awash in a tsunami of exaggerated adjectives and adverbs. Finally, in paragraph 25 on page 4 comes the first allegation of real significance: “This is an action for damages in excess of \$15,000.” Whew! Then we start all over again, finally getting to “Count I” after nineteen pages containing 98 paragraphs of excruciating evidentiary detail occasionally interrupted by insecurity-driven

conclusions of law. In paragraph 99, Count I begins: “Plaintiff realleges paragraphs 1–98 hereof and incorporates them herein by reference.” This not only is nuts, but it also violates the infrequently invoked and even less frequently enforced requirement that a complaint contain, in addition to jurisdictional allegations and a demand for relief, a “*short and plain* statement of the *ultimate* facts showing that the pleader is entitled to relief.” Fla. R. Civ. P. 1.110(b) (emphasis added); *cf.* Fed. R. Civ. P. 8(a) (substituting “claim” for “ultimate facts”). Several words come to mind: *ostentatious, vain, smug, supercilious, narcissistic, arrogant, and lazy.* Yes, *lazy*: It is easy to spew forth an undisciplined diatribe; analysis and precision require real effort – i.e., the work of a true professional. Whether the pleader is showing off (for the client, the media, or both) or engaging in one-upmanship, the effort is both pathetic and ironic, because any sophisticated reader sees it for what it is. It scares no one and is guaranteed to go unread by any judge whose caseload numbers more than five. The only thing worse is attaching as exhibits just about every piece of documentary evidence at the pleader’s disposal (including your e-mails). Judges, unite! Throw out these abominations, even if on your own motion. And make the pleader plant a tree.



The Palm Beach County, South Palm Beach County and Broward County Bar Associations presents:

Inside the Appellate Court: An Afternoon with the Judges of the Fourth DCA



Friday, December 4, 2009

11:30 a.m.—5:30 p.m.

Boca Raton Marriott at Boca Center, 5150 Town Center Circle

Program Schedule

- 11:30 am - 12:00 pm **Buffet Lunch / Registration / Check-In**
- 12:00 pm - 1:00 pm **Luncheon - Keynote Speaker: *Honorable Philip J. Padovano, First District Court of Appeal***
- 1:00 pm - 1:15 pm **BREAK**
- 1:15 pm - 2:00 pm **Things You Probably Didn't Know About the Fourth DCA - *Honorable Robert M. Gross, Chief Judge, Fourth District Court of Appeal***
- 2:00 pm - 2:30 pm **Writing the Effective Appellate Brief - *Former Fourth District Court of Appeal Judge Larry A. Klein, Holland & Knight LLP***
- 2:30 pm - 2:45 pm **BREAK**
- 2:45 pm - 3:15 pm **Panel Discussion - Observations as New Judges on the Fourth District - *Honorable Judges Cory J. Ciklin, Jonathan D. Gerber, and Spencer D. Levine, Fourth District Court of Appeal, Moderated by Honorable Robert M. Gross, Chief Judge***
- 3:15 pm - 3:45 pm **Recent Developments in Preservation of Error—*Honorable Melanie G. May, Fourth District Court of Appeal***
- 3:45 pm - 4:00 pm **BREAK**
- 4:00 pm - 5:00 pm **Moderated Panel Discussion - with the *Judges of the Fourth DCA, Moderated by Jack J. Aiello, Esq., Gunster***
- 5:00 pm - 5:30 pm **Cocktail Reception Honoring the New Fourth District Court of Appeal Judges *Jonathan D. Gerber, Spencer D. Levine, and Cory J. Ciklin***

.....
This course has been granted **5.0 CLER / 2.5 Appellate Practice Certification Credits** from The Florida Bar;

The cost of the seminar, lunch and reception is **\$150** if registered by **11/25/09**; **\$175** after that date;

Govt. attorneys & law clerks \$100.00 if registered by 11/25/09; \$125.00.after that date.

No refunds after 11/25/09

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25.

___ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

HOW TO REGISTER		MAIL the completed form w/check		FAX the completed form to 561/687-9007		ON-LINE at www.palmbeachbar.org
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___ I will not be able to attend the seminar but would like to order the CD. (please allow two weeks for delivery) (Appellate Seminar 12/4/09) **Cost is the same as listed above, in addition to \$10 for shipping and handling.**

Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.



Medical Malpractice Good Samaritan Act

by Ted Babbitt

As part of the 2004 Tort Reform, the Florida Legislature passed Fla. Stat. 768.13(2)(c)(1) which states:

“Any health care practitioner as defined in s.456.001(4) who is in a hospital attending to a patient of his or her practice or for business or personal reasons unrelated to direct patient care, and who voluntarily responds to provide care or treatment to a patient with whom at that time the practitioner does not have a then-existing health care patient-practitioner relationship, and when such care or treatment is necessitated by a sudden or unexpected situation or by an occurrence that demands immediate medical attention, shall not be held liable for any civil damages as a result of any act or omission relative to that care or treatment, unless that care or treatment is proven to amount to conduct that is willful and wanton and would likely result in injury so as to affect the life or health of another.”

In passing that statute, the Legislature stated as it’s intent to “encourage health care practitioners to provide necessary emergency care for all persons without fear of litigation.” In Harris v. Soha, 34 Fla. L. Weekly D1436 (1st DCA, July 16, 2009), the Court was faced with interpreting the meaning of that statute.

In that case, plaintiff’s decedent presented himself to the emergency room with a throat swollen because of reaction to medication to the point that it was interfering with his breathing. The doctor was at the hospital because he was the on call physician for obstetrical care and was attending a delivery when the emergency room requested his assistance. It was

undisputed that the anesthesia department of the defendant hospital did not provide on call services to the emergency room but plaintiff contended that an informal agreement had been reached with the hospital’s anesthesiologist to provide such on call services to the emergency room because they had previously responded to emergency room requests if they were available.

The trial court entered a directed verdict based upon the applicability of the statute and the lack of evidence establishing willful and wanton misconduct and the plaintiff appealed. The First DCA affirmed the directed verdict, rejecting the plaintiff’s position that an anesthesiologist does not have patients of his own and, therefore, cannot fit within the statutory requirement of attending a patient of his or her practice. The Court reasoned

“... pursuant to the plain language of the statute, the phrase ‘a patient of his or her practice’ operates simply to distinguish the next requirement under this section, which is that the doctor then provide assistance

to a patient “with whom at that time the practitioner does not have then-existing health care patient-practitioner relationship.”

The Court further concluded that the fact that other anesthesiologists had previously volunteered to respond to the emergency room failed to demonstrate that an anesthesiologist had any responsibility for patients in the emergency room and that the statute was, therefore, applicable.

This status is one of many “tort reform” statutes limiting the rights of injured plaintiffs. Until the Supreme Court of Florida is presented with the issue of the constitutionality of this string of legislation and unless there is a determination that that legislation is unconstitutional, courts are required to, and will, enforce them.

NOTE: BECAUSE A NUMBER OF PEOPLE HAVE REQUESTED COPIES OF PAST ARTICLES, A COMPILATION OF THESE ARTICLES IS NOW AVAILABLE TO MEMBERS OF THE PALM BEACH COUNTY BAR ASSOCIATION, FREE OF CHARGE, BY CALLING (561) 684-2500.

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Discharging Income Tax Debt in a Chapter 7 Bankruptcy

By Marc P. Barmat

Depending upon the individual circumstances of a debtor, state or federal income tax debt may be dischargeable in a chapter 7 bankruptcy. When determining the dischargeability of income tax debt in a chapter 7 bankruptcy, there are five basic rules which need to be considered. In summary, income taxes in a chapter 7 bankruptcy **are** dischargeable if all of the following rules/conditions are met:

The Three-Year Rule: The taxes are for a taxable year for which the due date was less than three years ago. The three year period is computed from the most recent date the tax return is due for the tax year (typically April 15 of the year following the taxable year). 11 U.S.C. § 507(a)(8)(A)(i). Therefore, income taxes for tax year 2005, which would be due April 15, 2006, would potentially be dischargeable in bankruptcy filed after April 15, 2009. If an extension to file the tax return is requested, that will delay the start time of the three-year period. The three-year rule should not be confused with the two-year rule.

The Two-Year Rule: A tax return for the taxable year in question was filed more than two years preceding the filing date of the bankruptcy. 11 U.S.C. § 523(a)(1)(B).

The 240-Day Rule: The tax claim was assessed more than 240 days preceding the filing date of the bankruptcy. 11 U.S.C. § 507(a)(8)(A)(ii). A tax is deemed "assessed" when it can no longer

be appealed administratively, i.e., when it is final. When reviewing IRS tax transcripts, the IRS provides assessment dates. However, many state taxing entities do not provide such information.

Non-Fraudulent Return: The tax return in question was not fraudulent. 11 U.S.C. § 523(a)(1)(C).

No Willful Tax Evasion: The taxpayer did not engage in activity deemed a willful attempt to defeat or evade the tax. 11 U.S.C. § 523(a)(1)(C). In order to prove a willful attempt to evade or defeat a tax, the taxing agency need not prove that the Debtors engaged in fraud. See, *In re Fretz*, 244 F.3d 1323 (11th Cir. 2001) ("Fraudulent intent is not required"); *In re Peterson*, 317 B.R. 556, 563 (Bankr. N.D. Ga. 2004) ("[t]he Government does not have to establish that the Debtor had fraudulent intentions in order to satisfy the mental state requirement"). Instead the courts generally look to two basic elements: (1) a conduct element, that the Debtor "attempted in any manner to evade or defeat such tax," and (2) a mental state element, that such attempt was done "willfully." *Fretz*, 244 F.3d at 1327.

It should be noted that certain events in the tax history may extend or delay one or more of the three time rules identified above, e.g., a prior bankruptcy, an extension to file a return, tax litigation and/or an offer in compromise.

This article was submitted by Marc Barmat, Furr and Cohen, P.A., One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431; mbarmat@furrcohen.com

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The Elder Law Affairs Committee of the Palm Beach County Bar Association presents:

“Special Needs Trusts – The Basics and Beyond”

Tuesday, December 15, 2009 - 8:25a.m. - 2:00p.m.

Bar Offices - 1601 Belvedere Rd., Suite 302E, WPB

Program Schedule

- 8:00am - 8:25am Late Registration - Check In
- 8:25am - 8:30am Welcome - Opening Remarks - *David R. Schwartz, Esq., Greenacres, FL, Florida Bar Board Certified Elder Law Attorney, Chair PBCBA Elder Law Affairs Committee*
- 8:30am - 10:00am “Everything You Wanted to Know About Inter Vivos and Testamentary Special Needs Trust: From A to Z” - *Stephanie L. Schneider, Esq., Stephanie L. Schneider, P.A., Plantation, FL, Florida Bar Board Certified Elder Law Attorney*
- 10:00am - 10:10am Break
- 10:10am - 11:40am SSA Speaks: A Practical Review of the New 2009 POMS on Drafting and Administering Government Approved Special Needs Trusts - *David J. Lillesand, Esq., Lillesand and Wolasky, P.L., offices in Miami & Gainesville, FL*
- 11:40am - 12:00pm LUNCH (included in registration)
- 12:00pm - 12:30pm Marketing Special Needs Trusts to Personal Injury Lawyers - *Craig Goldenfarb, Esq., Law Offices of Craig Goldenfarb, P.A., West Palm Beach, FL*
- 12:30pm - 1:00pm Tax Aspects of Special Needs Trusts - The Basics - *Michael A. Lampert, Esq., Michael A. Lampert, P.A., West Palm Beach, FL, Florida Bar Board Certified Tax Attorney*
- 1:00pm - 2:00pm Elder Law for Trial Lawyers: How the Elder Law Attorney can Market to and Serve the Trial Bar - *Scott M. Solkoff, Esq., Solkoff Legal, P.A., Delray Beach, FL, Florida Bar Board Certified Elder Law Attorney*

As a public service project the Elder Law Affairs Committee has adopted the Indian Ridge School, a unique therapeutic day school that serves students from all of PBC who suffer from emotional and behavioral disorders. The school and students are in dire need of supplies. **We ask that each attendee either donate some school supplies or make a monetary contribution. Supplies/Donations can be dropped off at seminar location. See Supply list on page 2 of Flyer.**

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Estate & Trust Litigation

This course has been granted 6.0 CLER including 1.0 Ethics credit /4.5 Elder Law; 4.5 Wills, Trusts & Estates; .50 Tax Law; 1.0 Civil Trial Law Certification credits from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$150** for PBCBA members/legal assistants, **\$195** for non-PBCBA members/legal assistants, if registered by 12/8/09. **Add \$25 to registration fee after that date.**

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

___ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

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Please register me for the December 15, 2009 Elder Law Seminar:

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Cost is the same as listed above, in addition to \$10 for shipping and handling.

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Highlighters

Diversity Luncheon & Summit



The Bar hosted its first Diversity Luncheon and Summit including four Florida Supreme Court Justices.

A special thank you to John Howe, Adam Rabin and Jessica Callow for chairing this extremely successful event for close to 250 members. Chief Justice Peggy Quince (second from left) was our distinguished keynote speaker.



Patti Velasquez, Tanique Lee and Dominique March



Sandra Powery, Judge Sheree Cunningham, Judge Carole Taylor and Michelle Suskauer



Sia Baker-Barnes, Edrick Barnes, Nick Guillaume and Grasford Smith



Rosemary Cooney and Chris Searcy



Some of the panelists for the afternoon Summit included Justice Barbara Pariente, Judge Edward Rodgers (ret) and Chief Justice Peggy Quince

Additional pictures can be seen on the Bar's Facebook page at www.palmbeachbar.org.

The Palm Beach County Bar Association
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Lunch with Chief Justice Peggy Quince
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The Palm Beach County Bar Association's Real Estate CLE Committee presents:



WINTER 2010 REAL ESTATE SEMINAR "Hot Topics in a Cold Market"

Wednesday, January 27, 2010 - 8:00 a.m. - 12:15 p.m.
Bar Association Offices, 1601 Belvedere Road #302E, WPB



Program Schedule

- 8:00am - 8:20am Late Registration/Check In
- 8:20am - 8:30am Welcome and Opening Remarks - *Steven D. Rubin, Esq., Board Certified Real Estate Attorney, Real Estate Committee Chairperson*
- 8:30am - 9:00am Homestead Tax Exemption Portability: What you need to advise your clients in every residential transaction, and ethical considerations. - *Robert I. MacLaren, II, Esq., Osborne & Osborne, P.A., Board Certified Real Estate Attorney*
- 9:00am - 10:00am FAR/BAR Form vs. FAR Form: Where they diverge, case law construction of competing terms, and ethical considerations. - *John R. Banister, Esq., Rutherford Mulhall, P.A., Board Certified Real Estate Attorney*
- 10:00am - 10:15am Break
- 10:15am - 11:15am Compliance With (new) RESPA: Mock HUD-1/1A preparation and ethical considerations. - *Deborah Boyd, Esq., First American Title Insurance Company, Board Certified Real Estate Attorney*
- 11:15am - 12:15pm The Latest: Foreclosures, Short Sales, and Loan Modifications and Ethical Considerations:
 - From the Borrower's and Purchaser's Perspectives - *Gregory Cohen, Esq., Cohen, Scherer, Norris & Weinberger, Board Certified Real Estate Attorney*
 - From the Lender's Perspective - *Michael W. Simon, Esq., Simon, Sigalos & Spyredes, P.A.*
 - View From the Bench - *Honorable Meenu T. Sasser, Fifteenth Judicial Circuit*

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**This course is pending 4.0 CLER including 4.0 Ethics credits.
Real Estate Certification credits are pending from The Florida Bar.**

The cost of the seminar is \$145 for PBCBA members/paralegals, \$185 for non-PBCBA members/paralegals if registered by 1/20/10; Add \$25 to registration fee after that date.

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.



Can a Personal Representative Take Possession of Protected Homestead Property?

By David M. Garten, Esq.

Effective January 1, 2002, if homestead property is not occupied by a person who appears to have an interest in the property, the personal representative is authorized, but not required, to take possession of that property for the limited purpose of preserving, insuring, and protecting it for the person having an interest in the property, *pending* a determination of its homestead status. Refer to §733.608, Fla. Stat. and Florida Probate Rules 5.402 through 5.404.

If the personal representative expends funds or incurs obligations to preserve, maintain, insure, or protect the homestead, he is entitled to a lien on the homestead and its revenues to secure repayment of this debt.

In *Herrilka v. Yates*, 13 So. 3d 122 (Fla. 4th DCA 2009), the court found that it was improper for the curator to place a lien on the homestead because: (1) the homestead was occupied by a joint owner, and (2) the curator's attorney's fees were not incurred for the specific purpose of preserving, maintaining, insuring, or protecting the homestead.

A notice of lien must be recorded in the public records, filed in the probate proceeding, and served on interested persons by formal notice. Additionally, the personal representative must file and serve a petition to determine the amount of the lien by formal notice and obtain a court order adjudicating the amount of the debt.

The personal representative may

enforce the debt by: (1) foreclosing on the lien in the manner of foreclosing a mortgage under Chapter 702, or (2) offsetting some portion of the debt against probate property that would be distributable to a person having an interest in the homestead, or (3) offsetting the debt against revenues from the homestead. The personal representative does not have the authority to sell the homestead. *See Harrell v. Snyder*, 913 So.2d 749 (Fla. 5th DCA 2005).

The lien shall terminate upon the earliest of: (a) recording a satisfaction or release signed by the personal representative in the official records of the county where the property is located; (b) the discharge of the personal representative when the estate administration is complete; (c) one year from the recording of the lien in the official records unless a proceeding to determine the debt or enforce the lien has been filed; or (d) the entry of an order releasing the lien.



Cathleen Scott, Esq.



Michael Gelfand, Esq.



Judge Edward Rodgers



Judge Walter Colbath (Ret.)

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Welcome New Members!

The following represents each new member's name, hometown, law school, and date of admission to the Florida Bar and law firm association.

MICHAEL C. BURNS – University of Florida; Law Student Member, Gainesville

JOHN P. COHEN – United Kingdom; United Kingdom, 1990; Associated with Community Mediation Network, West Palm Beach

G. STEVEN FENDER – Illinois; University of Florida, 1995; Associate in Ruden McClosky Smith Schuster & Russell P.A., West Palm Beach

CYNTHIA J. EDWARDS – Paralegal Member; Associate in Ward Damon Posner Pheterson & Bleau, PL, West Palm Beach

LINDSAY HANSON – Kansas; Nebraska, 2005; Associate in Cathleen Scott, P.A., Jupiter

JULIE D. KORNFIELD – Pennsylvania; Nova Law School, 2007; Associate in Cole, Scott & Kissane, P.A., West Palm Beach

DOMINIQUE T. MARCH – Jamaica; University of Virginia, 1991; Solo Practitioner, Boynton Beach

NICHOLE J. SEGAL – Florida; Nova Southeastern University, 2007; Associate in Burlington & Rockenbach, P.A., West Palm Beach



New Member Breakfast

Several of our new members had the opportunity to meet each other during a recent breakfast held at the Bar Office.



Colleen Farnsworth with Board members Theo Kypreos, Michelle Suskauer & Michael Napoleone



Ed Ricci and John Bajger remember each other from high school



Richard Schuler and Shavarne Dahlquist



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Technology Committee Presents “Laptop and Learn” Series



We hope you will join us as the Technology Committee hosts a series of noon-time seminars that will assist you in your practice. Each seminar will be from 11:30 – 1:00 p.m. and will be held in the offices of the PBCBA. Cost is \$30 per session for PBCBA members which includes lunch and one hour CLE. Members are strongly encouraged to bring their laptops as this will be an interactive series. Register online at <http://www.palmbeachbar.org/register.php>

Cutting Edge Discovery or Things you may not know: November 20



This 90-minute session will teach the beginning to intermediate level litigator how the expansion of information

technology has created new opportunities for discovery, as well as creating pitfalls for the unwary. This session will discuss the electronic finger-prints that our clients and their opponents leave in almost every aspect of daily life and in the conduct of their business. The presentation will include finding and using the new information that is becoming available; and will include a discussion of strategies for obtaining information that opponents have tried to hide or destroy. Presented by: Earl K. Mallory, Esq. and Tom Ianuzzi, CPP, CISSP, CFE, CCE, Information Security Consultants, Inc.

30 sites in 30 minutes: December 11

This presentation will show you places on the Internet where you can find cheap or free services and software that rivals anything you can buy at your local office supply or big box store. We will cover email, word processing, presentation software, pdf creation and



editing, operating systems and other useful utilities and websites. Within the first five minutes, you will find out how to save enough money to cover the cost of the seminar. Presented by Marc Dobin

Blogging for Lawyers: Internet Marketing for Non-Geeks: January 22



This 90-minute session will teach the nominal-to-moderately tech savvy lawyer the ins and outs to creating a legal blog on the Internet. This hands-on-session will discuss the technical requirements and preferred software; discussion of how blogging suits the fast developing legal world more effectively than journal-writing; advice from a four person panel of three blogging lawyers and one website developer; discussion of ethics, advertising, copyright/ownership issues; and strategies for enhancing reputation and developing marketing opportunities on the Internet. Presented by Christopher Hopkins

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The Bankruptcy Law CLE Committee of the Palm Beach County Bar Association
presents:



“The View From the Bench”

Friday, January 29, 2010 - 11:45pm - 2:00p.m.

Bar Offices - 1601 Belvedere Rd., Suite 302E, WPB

Program Schedule

11:45am - 12:00pm **Check In / Late Registration**

12:00pm - 12:25pm **Buffet Lunch - Sponsored by:**



12:25pm - 12:30pm **Welcome - Opening Remarks** - *Julianne R. Frank, Esq., Frank, White-Boyd, P.A., Bankruptcy CLE Committee Chair*

12:30pm - 2:00pm **The View From the Bench: The Words and Wisdom of Our Bankruptcy Judges** - *Honorable Paul G. Hyman and Erik P. Kimball, United States Bankruptcy Court - Moderated by Julianne R. Frank, Esq.*

This course has been granted 2.0 CLER from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$40** for PBCBA members/legal assistants, **\$80** for non-PBCBA members/legal assistants. Register now to save \$10.00. **After 1/22/10, add \$10.00.**

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$15. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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HOW TO REGISTER



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ON-LINE at www.palmbeachbar.org

Please register me for the January 29, 2010 Bankruptcy Law CLE Seminar:

Name: _____ **Telephone:** _____

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Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406. Telephone: (561) 687-2800

Florida Bar Board of Governors Report

At its September 25, 2009, meeting in Hollywood, The Florida Bar Board of Governors:

- Heard a report from Communications Committee Chair Juliet Roulhac about three improvements being made to the Bar's Web site: an improved Google-based search engine, a "quick links" function on the homepage to help users find popular parts of the site, and a new career resource center to help connect lawyers looking for jobs and firms with openings. Roulhac also said the Bar is reviewing requests for proposals and nearing the selection of a consultant on revamping the Bar's Web site this year. The board approved committee motions for a Consumer Protection Law Committee public service campaign on legal rights regarding foreclosure and applying for a Florida Bar Foundation grant to fund the campaign, and for the 2009-10 Board of Legal Specialization and Education Strategic Communication Plan Implementation Campaign.
- Gave final approval to a rule change that adds new requirements for lawyers suspended or ineligible to practice for three years or longer and seeking reinstatement. These include that the lawyers must complete 10 hours of CLE for each year or part of a year they are ineligible to practice and those ineligible to practice for five years or longer must retake the Florida section of the bar exam.
- Heard a report from Bar Programs Director Terry Hill that Bar CLE operations have shown an overall increase despite a slow economy and that revenues from the Bar's Member Benefits Program are also up.
- Heard Investment Committee Chair Ian Comisky report that Bar investments are up 16 percent for the year and more than 9 percent for the quarter. Bar President Jesse Diner said if the good performance holds, that the current Bar budget will likely have a surplus instead of the initially expected \$300,000 deficit. Comisky also said the Investment Committee has begun a sweeping review of Bar investment policies, at the suggestion of its advisor, Morgan Stanley Smith Barney.
- Heard a report from Board member Murray Silverstein on ongoing efforts to bring e-filing to the state court system amid the broader goal of having electronic access to court records. He said the Supreme Court Technology Commission, on which he serves, is overseeing the work and that it is critical that the courts, not the clerks, set the standards and control an e-filing and electronic access system to prevent each county court clerk from setting up a separate system. He said legislative action earlier this year has spurred recent activity, but it will also be necessary for the legislature to come up with funding.
- Heard the annual report from the Public Interest Law Section from section Chair Tracey McPharlin, including that the section and the Bar's Legal Needs of Children Committee are working together to create a Children's Law certification area.

Should you have any questions, please contact one of the Circuit's four representatives: Greg Coleman, Scott Hawkins, Lisa Small or David Prather.

Historical Committee

Who Are They?

From Page 4

1. Bill Holland
2. Jeff Marks
3. John Mulhall
4. Andrea McMillan
5. Judge Kenneth Marra

Texas Hold 'Em Highlights

The Bar had a good crowd at the 2nd Annual Texas Hold 'Em Tournament held this year at the Palm Beach Kennel Club. The winner, Ryan Fogg, won \$500! Watch your emails for notice of the next tournament to be held sometime during the spring.



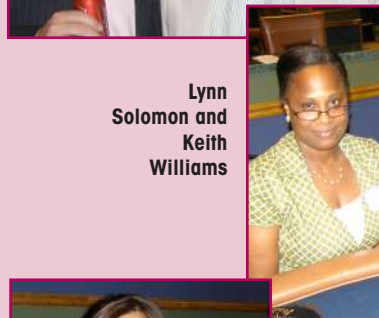
Ryan Fogg and Craig Stein



Shirley DeLuna, Bettee Collister and Rick Chaves



Guy Quattlebaum and Chubby Damsel



Lynn Solomon and Keith Williams



Despite not knowing how to play the game, President Michelle Suskauer kept winning



Tim Stevens, David Prather and Michael Spillane

WORKERS' COMPENSATION IN FLORIDA IS NOT A PRETTY PICTURE



For injured workers in Florida the outlook gets bleaker every day. Once again the Florida Legislature seems to have forgotten or ignored the plight of injured workers. Rosenthal, Levy & Simon will never ignore these workers.

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How to Sign Up for Twitter and Facebook Accounts

By *Diana L. Martin and
Christopher B. Hopkins*

In September, dozens of Palm Beach County Bar Association members crossed the digital divide to become new Twitter and Facebook users when they attended the Technology Committee's Tweet, Meet and Eat seminar. If you couldn't make it, here is a quick overview of how to sign up and start using these social networking sites. Also, the PowerPoint presentation from the seminar is available under "Materials" at FloridaLawCommentary.com. You will never know if these social networking sites can help market and improve your law practice without setting up your own accounts and taking them for a test drive.

Twitter – Visit www.twitter.com and hit "Sign up now." Pick a sensible, short username and create a free account (you can delete it at any time). Under "Settings" (upper right corner), go to "Account" and provide your background information. Under "Devices," include your mobile phone number so you can receive messages on your mobile phone (alternatively, if you have a smartphone you can use a Twitter program like Twitterrific). Under "Notices," set if/when you receive emails from Twitter and use "Picture" and "Design" to add some flair to your Twitter page.

Now you need to "follow" people to get a sense of how short 140-character posts work. In the top right corner, click "Find People" and enter someone's real name or user name. For local legal information, consider following SpenWen (Palm Beach Post legal reporter), PBCBar Prez, and your authors, cbhopkins and martin_di. For news, follow WPTV, WPBF, PBPost, and CNNbrk. Finally, for local interest tweets, search and follow WestPalmBch, CityPlaceWPB, and TheGardensMall. Alternatively, on the "Find People" page, consider any of the Suggested Users.

Go back to the Twitter home page, click "Following," and look at the list of people you are following. To the right of each name and most recent post, you can set whether that person's posts will be sent as a text message to your mobile phone or not. Ideally, you want to access Twitter on a smartphone rather than log onto the website – the 140-character posts are easy to quickly skim in a spare moment.

You can search for keywords and topics on Twitter by going to search.twitter.com. As a test, enter "PBCBA" to see recent posts about the Bar association. Why not mention PBCBA in your first Twitter post (aka "tweet")? Go back to the Twitter home page and type in a message no longer than 140 characters. Now other local bar members can find and follow you by searching for PBCBA.

These steps will get you going on Twitter. Feel free to print out the PowerPoint from the seminar for more tips on direct messages, "at replies," how to gain followers, and how to market your practice. By just making an effort to use and familiarize yourself with Twitter, you will find effective uses for it in no time.

Facebook – Facebook is easier to use and understand because you will immediately see friendly faces of fellow users you know in real life when you create your account. But privacy settings are important, so be careful to check the right settings when you sign up. Note you can also create a separate, public page for your law firm. This is like having a second website presence on the Internet – without cost.

Go to Facebook.com and, just like with Twitter, select a reasonable username for your account. Facebook will send an email to you, which you need to confirm. Back on Facebook, take

five minutes to follow the four steps to add friends and create your online profile. The more information you provide, the easier it will be for friends to find you (depending upon your privacy settings).



You will then get a "welcome to facebook, [your name]" page. Use "find people you know" and "Friend Finder" to see if Facebook can match you with people you know from your area or prior schools, and people with similar names. Facebook can even access your email contacts and search for Facebook users. Most people have allowed Facebook this one time access to their email list and there are no known reports of security risks. Expect that up to 50% of your email contacts will have Facebook accounts. For some final connections, search for "Palm Beach Bar Association" or your authors.

Once you have amassed some Facebook friends, you will need to spend some time with your settings. Click "Settings," then "Account Settings" in the upper right corner of the screen. Here you can join networks (categorized by city, workplace, school, or region) that will make it easier to connect with other people in the same network. You can also specify which email notifications you would like to receive and set you account to send these notifications to your mobile phone. Just like Twitter, there are Facebook applications available for accessing the site on smartphones.

Now click on "Privacy Settings." Click "Profile" and specify who you want to be able to view your Facebook profile and what information they can see. You can make your entire profile viewable by everyone; your networks and friends (which is a broad grant of access, particularly if you joined a large network like "West Palm Beach"); your friends as well as their friends; or just your friends. You can also make the settings for each portion of your profile different by allowing more people to see your "Basic Info" than your "Personal Info," for instance. Go back to the "Privacy Settings" page and go through the list specifying what information you want accessible through Facebook and general internet searches, what information you want to appear on your "wall" (main page you will see each time you log into your Facebook account), and what information you want accessible to third-party applications that interact with Facebook. Many users play games, take quizzes, or use other small applications on Facebook – often not realizing that applications publish your results and what you are up to. Turn most, if not all, of those sharing settings to off. Also check "deny" to Beacon websites, which is simply a marketing tool for Facebook.

Now, go back to your Facebook homepage and look at the posts of some of your new Facebook friends. Then join in with a comment of your own. You will soon find Facebook is a great place to reconnect with people that you do not get to see often, as well as a great place to meet new people and even market your law practice.

Christopher B. Hopkins is a shareholder at Butzel Long, P.C. (Palm Beach) and Diana L. Martin is an associate at Leopold-Kuvin (Palm Beach Gardens). Hopkins@butzel.com and Dmartin@leopoldkuvin.com.

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DOWNTOWN WPB: Attorney offices available from 400-2,500 s.f.; walk to courthouse; on-site parking available; restroom renovations completed this summer; available for immediate occupancy; Call or e-mail David @ [NAI/Merin Hunter Codman \(Lic. R.E. Broker\) \(561\) 471-8000; dknott@mhcreal.com](mailto:NAI/Merin Hunter Codman (Lic. R.E. Broker) (561) 471-8000; dknott@mhcreal.com).

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HEARSAY

The Law Office of Mark R. Hanson is pleased to announce its new location at 4304 Main Street, Jupiter, FL 33458.

Ashley J. Dillman accepted a clerkship with bankruptcy Judge Raymond Ray in Ft. Lauderdale for a term starting in September 2010. Ms. Dillman is currently clerking for Judge Melanie May of the Fourth District Court of Appeal.

Joseph S. Karp has been elected Vice Chair of the Alzheimer’s Association – Southeast Florida Chapter.



Ruden McClosky partner **David Greene** has been elected to the Craig S. Bernard American Inn of Court LIV.

Cindy A. Sojka has become certified by the Supreme Court of Florida as a Circuit Civil Mediator.



Tara W. Duh, associate at Lewis, Longman & Walker, P.A., has been elected to the Executive Council of the Environmental and Land Use Law Section of The Florida Bar.

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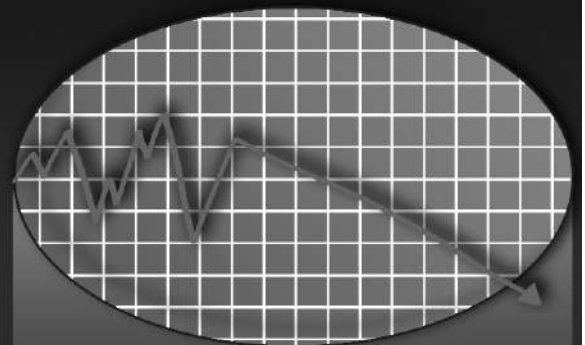
Ms. Hanson joins the firm after three years of experience with the Palm Beach County Public Defender’s office. Her practice areas include representation of individuals and entities in the areas of labor and employment law, health care compliance and criminal law matters.

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CALENDAR

November 2009

Wednesday, November 4,
Noon – 1:00PM
**Judicial Relations
Committee Meeting**
Judicial Dining Room, Main
Courthouse

Monday, November 9,
12:00PM – 1:00PM
**Bench Bar Conference
Sub-Committee Meeting**
Bar Association Office

Tuesday, November 10,
11:45AM – 1:00PM
**SPBCBA Membership
Luncheon**
Speaker: Sheriff Ric Bradshaw
Boca Raton Marriott
Contact (561) 482-3838
for more info

Tuesday, November 10,
Noon – 1:00PM
YLS Board Meeting
Bar Association Office

Tuesday, November 10, 2009,
6:30 p.m. to 8:30 p.m.
**Christian Legal Society
Women's Gathering**
Panera Bread Café,
771 Village Blvd., West Palm Beach
Contact bdunkum@trialpractice.com
for more information

Wednesday, November 11
Veteran's Day
Court Holiday - Bar Office Closed

Thursday, November 12,
Noon – 1:00PM
**Business Law
CLE Luncheon Seminar
"Entity Selection and
Structuring"**
Bar Association Office

Thursday, November 12,
Noon – 1:00pm
SPBCBA FAWL Luncheon
Bogart's

Friday, November 13,
11:45 – 1:00PM
**FAWL Luncheon,
The Road to the Bench**
Marriott WPB
RSVP to fawl@comcast.net

Saturday, November 14,
Noon – 4:00PM
Minority Mentoring Picnic
Amelia Earhart Park, Hialeah, FL

Monday, November 16,
11:45AM – 1:00PM
Judicial Luncheon
North end of cafeteria,
Main Courthouse

Tuesday, November 17,
11:45AM – 1:00PM
Family Law CLE Luncheon
North end of cafeteria,
Main Courthouse

Tuesday, November 17,
Noon – 1:00PM
**Professionalism
Committee Meeting**
Bar Association Office

Tuesday, November 17, 5:30PM
NCS Dinner
Saitos, Palm Beach Gardens

Wednesday, November 18,
Noon – 1:00PM
NCS Board Meeting

Thursday, November 19,
8:45AM – 4:30PM
**TFB Videotaped Seminar
"Basic Trial Practice"**
Bar Association Office

Thursday, November 19,
5:00PM – 7:00PM
PBCBA Board Meeting
Bar Association Office

Friday, November 20,
11:30AM – 1:00PM
**Technology Committee Seminar
"Cutting Edge Discovery or
Things You May Not Know"**
Bar Association Office

Tuesday, November 24,
5:30PM – 6:30PM
Legal Aid Board Meeting
Bar Association Office

Thursday, November 26 – 27
**Office Closed – Court Holiday
Thanksgiving**

